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In re Application of:

BLANK, Felix., et al.

U.S. Application No.: 10/524,224

PCT No.: PCT/DE2003/002603

International Filing Date: 04 August 2003

Priority Date: 13 August 2002

Atty Docket No.: 510.1120

For: CONTROL OF A FLUID FLOW IN
AN ELECTROCHEMICAL CELL

DECISION ON PETITION

The petition for revival under 37 CFR 1.137(b) filed 20 November 2009 in the above-captioned application is hereby **GRANTED** as follows:

The present application became abandoned at midnight on 08 September 2005 due to applicants' failure to submit a proper response to the "Notification Of Missing Requirements" (Form PCT/DO/EO/905) mailed 08 July 2005. Such Notification required submission of an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the oath or declaration later than thirty months after the priority date.

The abandonment was confirmed in a "Notification Of Abandonment" (Form PCT/DO/EO/909) mailed 14 November 2007.

The present petition was accompanied by the petition fee and the "required reply" in the form of an executed declaration in compliance with 37 CFR 1.497 (the required surcharge payment had previously been received). In addition, the petition includes a statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," and a supplemental statement asserting that applicants filed a timely response to the Notification Of Missing Requirements in July 2005 and never received the Notification Of Abandonment, and that applicants were therefore not aware that the application was abandoned. These statements satisfy the requirement of 37 CFR 1.137(b)(3).

Based on the above, the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the present national stage application is appropriately granted.

This application is being referred to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision.

It is noted that, while applicants have asserted that the required declaration was filed herein in July 2005, the present petition does not include evidence confirming the receipt of the declaration in the USPTO at that time (i.e., a return postcard itemizing the declaration and bearing a July 2005 USPTO receipt stamp). Accordingly, the date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) for the present application is 20 November 2009, the date on which the copy of the executed declaration present in the application file was filed.

A handwritten signature in black ink, appearing to read 'RMR', is positioned above the printed name of the signatory.

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